

Michigan Department of Civil Service

# REGULATION

<b>Appointing Authority Letter Reference:</b>  CS- <del>6930</del> <u>6938</u>	<b>Effective Date:</b>  <del>October 29,</del> <u>2000</u> <u>March 18, 2001</u>	<b>Index Reference:</b>  Establishment, Nonpreauthorized Positions, Reclassification	<b>Regulation Number:</b>  <b>4.01</b>
<b>Issuing Bureau:</b>  Human Resource Services	<b>Rule Reference:</b>  Rules 1-3 (Regulations), 4-1 (Position Establishment and Classification) and 4-2 (Position Classification Review)		<b>Replaces:</b>  <u>Reg. 401</u> <u>(CS-6930, Oct 30, 2000)</u>  Regs. 3.05 and 3.18 (CS-6913, March 17, 2000)  Regs. 4.01, 4.03, and 4.06 (CS-6897, April 25, 1999)
<b>Subject:</b>  <b>ESTABLISHMENT AND RECLASSIFICATION ACTIONS THAT REQUIRE CIVIL SERVICE REVIEW</b>			

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## 1. **PURPOSE**

This regulation establishes the standards and procedures for processing position establishments and reclassifications that require civil service review. Refer to regulation 4.02, Preauthorized Classification and Transactions, for the standards and procedures for establishing and reclassifying positions in preauthorized classifications.

## 2. **CIVIL SERVICE COMMISSION RULE REFERENCE**

**Rule 1-3 Regulations** — *The state personnel director is authorized to issue regulations that the director deems to be necessary or useful. A regulation issued by the state personnel director is binding on the department of civil service unless the commission finds that the regulation violates a rule. The state personnel director shall make all regulations available to employees through their personnel offices and the internet.*

### **Rule 4-1 Position Establishment and Classification**

**4-1.1 Requirement** — *All positions must be established in the classified service unless specifically exempted or excepted by article 11, section 5 of the constitution, or these rules.*

**4-1.2 Classification** — *A position established in the classified service must be reviewed to classify the position properly.*

**4-1.3 Authority to Establish** — *The appointing authority may establish a position for reasons of administrative efficiency. An appointment cannot be made to a position until it has been established and classified.*

**4-1.4 Classification Plan** — *The commission shall authorize an official classification plan for all positions in the classified service. The department of civil service shall administer the official classification plan.*

(a) **Classification** — *Every position established must be classified in accordance with the official classification plan.*

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**4-2.1 Position Classification Review** — *The department of civil service shall provide for both a periodic and ongoing review of positions in the classified service to ensure positions continue to be properly classified.*

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### **3. DEFINITIONS**

#### **A. Civil Service Commission Rule Definitions**

1. **Position** means a classified job identified by its respective duties and responsibilities.
2. **Preauthorized** means the specific authorization granted to an appointing authority to process a transaction in accordance with civil service rules and regulations without prior civil service review.
3. **Reclassification** means an authorized classification action to change an employee's classification or grade based on the gradual growth and accretion of higher level duties and responsibilities.

*[HRMN Reference Note: A reclassification may or may not be a job change.]*

4. **Selective position requirements** means specific qualifications that are narrower or more limited than those generally associated with a position and that are determined to be essential for performance of the duties of a specific position.
5. **Subclass** means additional specialized experience, specialized training, licensure, or other specialized qualification that is required for appointment to a specific subgroup of positions.

#### **B. Additional Definition as Used in This Regulation**

1. **Establishment** means the creation of a new position by an appointing authority by defining the duties, responsibilities, and other relevant considerations on a position description form. The

Department of Civil Service shall classify every position established in accordance with the official classification plan.

## **4. STANDARDS**

### **A. Establishment and Reclassification**

1. A classification action that is not preauthorized must be reviewed and approved by the Department of Civil Service before it can be placed in the Human Resources Management Network (HRMN). Positions typically classified in an advanced, lead worker, supervisory, managerial, staff specialist, program specialist, administrative, or executive classification are not preauthorized.
2. For a classification action that requires civil service review, the appointing authority must submit to the Department of Civil Service the Position Action Request form (CS-129) and a completed Position Description form (CS-214). Additional supporting documentation may be required to complete the classification review, such as an organizational chart for the work area, approved advanced level standards, the appropriate specialist and managerial worksheets, or a Department of Civil Service approved Request for a Credential Review form (CS-153A). Positions in classifications in Groups 1, 2, and 3 of the ECP and are eligible for subclass code(s) designation should have proposed subclasses entered on the Position Action Request. If any additional information is necessary, the Department of Civil Service will issue a CS-1397 form letter.
3. A position classification review will be based on the application of the classification plan to the duties and responsibilities performed by the position as of the effective date that is assigned to any classification action resulting from the review.
4. The effective date assigned to any classification action request for a position that requires civil service review will be in accordance with regulation 4.04, Effective Dates for Classification Actions.

### **B. Establishment**

1. A new position establishment requires approval by the Department of Civil Service.

2. A position establishment is necessary, and a position reclassification is not appropriate, when the primary function of the position undergoes a material and substantial change, requiring a new body of knowledge, skills, and abilities to perform the duties. Each request is evaluated on an individual basis. A new position establishment and appointment is necessary when the job changes, in any of the following ways:
  - a. From a worker classification to a supervisory, managerial, administrative, or executive classification.
  - b. From a worker classification to an unrelated program or staff specialty.
  - c. From one program or staff specialty area to another unrelated program or staff specialty area.
  - d. From a supervisory or managerial classification to an administrative or executive classification.
  - e. From an administrative classification to an executive classification.
  - f. From a nonprofessional classification to a professional classification.
  - g. When two or more work areas are combined and similarly situated positions exist where there should be competition for the new position.
  - h. From one kind of work to another, e.g., accounting assistant to carpenter or property analyst to personnel management analyst.
  - i. From a classification in one ECP Group to a classification in another ECP Group.
3. All professional administrative assistant positions must be established in the proper class series and at the proper classification level, as described in the job specification.

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4. All secretaries and senior executive management assistants reporting to positions in the ECP Group 4 must be established at the appropriate classification level, as described in the job specification.
5. All multiple, limited, and overall assistant division director positions must be established in the proper class series and at the proper classification level.
6. A request to establish a position at the 15 level or above in an ECP Group 2, 3 or 4 classification, including the Senior Executive Service (SES), must be accompanied by an approval letter from the Department of Management and Budget (DMB), Office of the Budget, or the governor's executive office and must be done in compliance with executive directive 2000-1.
7. A supervisory, managerial, administrative, or executive-level position may be established with vacant subordinate positions to allow the future managerial employee to select the subordinates. The appointing authority has 6-months from the date of the manager's appointment to fill the subordinate positions and submit verification to the Department of Civil Service. If the subordinate positions are not filled within this 6 month time period, the Department of Civil Service will reclassify the position to the proper classification. The Department of Civil Service may grant extensions beyond the 6-month period if an appointing authority demonstrates good cause.
8. A project manager position, a professional managerial position that has lead responsibility for major projects, may be established as a temporary or permanent position. A temporary project manager position can be established for up to 24 months. Extensions are permissible for demonstrated good cause. A permanent position can be established and must have continuous assigned projects, with certification as to the continuous nature of the projects. The project manager position must supervise two filled positions at all times. The subordinate positions can be permanently established, established on a temporary basis, or borrowed from other work areas.
9. A pattern position is a position that requires the possession of specific education, experience, skills, and knowledge that can only be gained through on-the-job-training at the lower levels in the classification. A pattern position must be filled at the lowest level in

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the approved pattern. The reclassifying of a pattern position is not preauthorized to an appointing authority.

### **C.     Reclassification**

1. For a classification action that requires civil service review, the appointing authority must certify that the employee meets the minimum requirements, is performing the duties and responsibilities of the requested classification or classification level, and has a current satisfactory performance rating.
2. A position may be reclassified in any of the following circumstances:
  - a. To the advanced level when the position is assigned and the employee is satisfactorily performing, the most complex duties and responsibilities beyond those assigned to an experienced-level position, as determined by Department of Civil Service approved advanced classification standards.
  - b. From the experienced-level or advanced-level worker to a program or staff specialist-level worker if the position's principal duties and responsibilities remain basically the same, but the job has evolved from a worker to a related and identifiable program or staff specialty that is recommended by the appointing authority and accepted by the Department of Civil Service.
  - c. When there is no change in the assigned duties and responsibilities, but a change in the overall classification plan results in a change in the classification concept.
  - d. When a change in the classification of the supervisor's position impacts upon the subordinate position's classification.
  - e. When a change in the subordinate position's classification impacts upon the supervisory position's classification.
  - f. When the duties and responsibilities remain basically the same, but the position takes on greater importance and stature through a change in the organizational placement. For example, a division organizational entity is elevated to a



bureau organizational entity in recognition of the agency's changing mission and program goals.

- g. ~~When the duties and responsibilities of a supervisory or managerial position remain basically the same but, through staff expansion, an additional layer of subordinate supervision is needed to carry out the primary focus of the position's work. When there is continuity in the duties and responsibilities of a supervisory or managerial position and responsibility for additional program(s) and/or staff are added such that the position meets the concepts, examples of work, and requirements for a different classification.~~
  - h. When the duties and responsibilities remain basically the same, but the duties and responsibilities have gradually accrued over a long period of time (several years), to the extent that a reasonable argument can be made that a reclassification is warranted. The Department of Civil Service will review when and how the onset of these duties and responsibilities occurred. ~~These duties and responsibilities cannot have been abruptly assigned at any prior point even if the reclassification request is made several years after the change occurred.~~
  - i. When the appointing authority proposes and the Department of Civil Service accepts that the reclassification is warranted because the employee would be competing for his or her own position. This is a situation where no real competitive opportunity exists for the position.
- 3. If the reclassification request involves moving the position from one bargaining unit to another bargaining unit, the appointing authority must contact the Office of the State Employer (OSE) and the affected exclusive representatives for the bargaining units for review and comments on the proposed reclassification. The results of the communication from the OSE and the exclusive representatives must be submitted to the Department of Civil Service before the requested reclassification action can be considered.
  - 4. The assignment and performance of working out of class duties and responsibilities does not support a position reclassification. Working out of class assignments and position reclassification are mutually

exclusive situations. Working out of class assignments will be reviewed and processed in accordance with regulation 4.08, Working Out of Class.

#### **D. Establishment and Assignment of Selective Position Requirements**

1. Selective position requirements for specific positions must be job related. The appointing authority must establish that the position is different from others in the classification, detail how it is different, and describe what unique qualifications are needed. A current, approved Position Description form (CS-214) for an established position must be submitted with the request for selective position requirement approval.
2. Selective position requirements must narrow the classification requirements and can not be for a higher order than the qualification requirements for the classification. For example, a criterion of a bachelor's degree would not be approved for a position in a classification that requires an associate's degree; however, an associate's degree in a particular area could be approved for a position in a classification with an associate's degree requirement.
3. The criteria must relate to entry requirements, not to knowledge, skills, abilities, or other characteristics acquired in the position.
4. Selective position requirements must be quantifiable, easily observable, and verifiable. For examples, "possession of a teacher's certificate," "15 college credits in toxicology," "one year of experience in historic preservation."
5. An approved selective position requirement must be applied whenever the position is to be filled. The approval remains in effect for the duration of the position unless there is a substantial change in the position's duties and responsibilities affecting the qualification requirements.
6. Selective position requirements must be approved and in place for 28 calendar days before the criteria can be applied in a reduction-in-force action affecting the position, the employee, or a person exercising employment preference to the position. When a reduction in force (RIF) affects a position with an approved selective position requirement in place for 28 calendar days or more, the approved

requirement must be applied to all persons in whose bump chain the position appears.

7. The position must be established and the selective position requirement approval must be received before mandating and applying the requirement in the selection process.
8. Selective position requirements may be approved for positions in classifications with approved subclasses.

**E. Establishment and Assignment of a Subclass**

1. An identified position or a group of positions must exist and have duties and responsibilities that require more specialized qualifications than those established on the class specification. The duties and responsibilities must be essential to the position at job entry. The subclass code definition must describe qualifications for which there is a recognized applicant pool.
2. The Department of Civil Service establishes, abolishes, and revises subclasses and their definitions. Requests to establish, abolish, or revise subclasses may be initiated by appointing authorities or Civil Service staff. Appointing authorities have the opportunity to review and comment on subclasses to be established, abolished, and revised, including the definition, before implementation.
3. The approval of subclasses for a position does not preclude further narrowing of the requirements through selective position requirements, when appropriate.
4. If a position is assigned one subclass, the applicant selected to fill it must satisfy the subclass criteria. If a position is assigned more than one subclass, the applicant selected must be assigned at least one of the subclasses.
5. When a RIF affects a subclass assigned position, the subclass criteria must be applied. Only employees who satisfy the subclass criteria may exercise employment preference into the subclass assigned position. Subclass qualification must be determined for all persons in whose bump chain the position appears. Subclasses must be in place 28 calendar days prior to the notice of layoff. See

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regulation 2.01, Implementing a Reduction in Force for Non-Exclusively Represented Employees.

6. Subclass additions, deletions, and revisions are communicated in the "Established and Abolished Class Report," published monthly.
7. Subclasses may be assigned when a position is established or at any other time, except during a reduction in force. An appointing authority must provide supporting rationale for requesting addition or removal of a subclass from a specific position.
8. Subclasses may be assigned to a person's qualification records in the HRMN based on published definitions. Subclasses may be added to, or removed from qualification records based on changes in qualifications or standards.
9. A person must first possess the qualifications for the associated classification to receive a subclass code for the person's qualifications.

#### **F. Downgrading Positions**

1. An appointing authority may request reclassification between any of the lower classification levels within the non-supervisory/non-managerial class series, e.g., worker, specialist class series, except for administrative assistant positions.
2. Department/autonomous entity recall names preclude downgrading of a position.

### **5. PROCEDURES**

#### **A. Establishing and Reclassifying Positions**

##### **Responsibility**

##### **Action**

Appointing Authority

1. Submits a Position Action Request form (CS-129) Position Description form (CS-214) and any other necessary information to the Department of Civil Service for a position review.

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### **Responsibility (cont.)**

### **Action (cont.)**

Appointing Authority

2. To reclassify a filled position, certifies on the CS-129 that the employee meets the minimum qualifications, is satisfactorily performing the duties and responsibilities of the requested classification, and has a current satisfactory performance rating.

Department of Civil Service

3. Reviews the establishment or reclassification request.
4. If approved or modified, classifies or reclassifies the position to the appropriate classification with the necessary documentation on the CS-129 and enters the necessary position information in the HRMN.
5. Releases the approved CS-129 to the appointing authority.
6. If disapproved, documents the reasons on the CS-129 and informs employee of the classification action and appeal rights.

Appointing Authority

7. Receives the Position Action Response form and enters the employee information in the HRMN for any occupied position.

## **B. Establishing Selective Position Requirements**

### **Responsibility**

### **Action**

Appointing Authority

1. Submits a written request for approval that includes a copy of the current CS-214, a CS-129, and any documentation, and a narrative that provides the rationale and linkage between the requested criterion and the CS-214 and any relevant supporting materials, such as pertinent legislation.

Department of Civil Service

2. Reviews the request and if approved, enters the necessary position information in the HRMN.
3. Releases the CS-129 form to the appointing authority.

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### **C. Procedures for Establishing Subclasses**

<b><u>Responsibility</u></b>	<b><u>Action</u></b>
Appointing Authority	1. Submits, in writing, establishment of a new subclass, revision to, or abolishment of an existing subclass, and provides supporting rationale.
Department of Civil Service	2. Reviews requests for subclass establishment, abolishment, or revision. Makes determination and notifies user agencies.
All Appointing Authorities	3. Reviews and comments on proposed subclass code establishment, abolishment, or revision.
Department of Civil Service	4. Reviews agency comments and makes appropriate adjustments to subclass code. 5. Includes subclass establishments, abolishments, and revisions in monthly "Established and Abolished Class Report." 6. Updates subclass listing to reflect subclass changes.

### **D. Procedures for Assigning and Removing Subclasses from Positions**

<b><u>Responsibility</u></b>	<b><u>Action</u></b>
Appointing Authority	1. Completes a CS-129 requesting addition or removal of subclasses from a position, with supporting rationale.
Department of Civil Service	2. Reviews CS-129 and makes determination regarding appropriateness of adding or removing requested subclasses. If approved, enters the necessary position information.
Appointing Authority	3. Receives the CS-129 and, if approved, enters the employee information in the HRMN for any occupied position.

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## **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.